

HIST 480

## Toxic Tabloids

# Toxicology, the Press, and the Public in Nineteenth-Century England

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'This dissertation is submitted in part fulfilment of the requirements for the degree of BA Honours in History at the University of Canterbury. This dissertation is the result of my own work. Material from the published or unpublished work of other historians used in the dissertation is credited to the author in the footnote references. The dissertation is approximately 9,996 words in length.'

## Abstract

This dissertation examines the way in which the English public in the nineteenth century engaged with criminal toxicology, through the medium of the newspapers. It aims to fill a gap in the historiography of toxicology, by combining the approaches of single-case analysis and statistical analysis to assess public opinion and action. This dissertation argues that the public's engagement with criminal toxicology occurred through the context in which they encountered it, namely the judicial system. In addition to this, public engagement was built upon an informed understanding of the role of toxicology in the courtroom and was capable of producing tangible change. Through examining four sensational cases of criminal poisoning over the nineteenth century, this dissertation traces the development of the general public's understanding of toxicology and resulting reactions to it. Throughout the century, the newspapers gradually disseminated more information about trials and the toxicology involved in them to the public, which they were able to act upon, by means of placing pressure on the authorities to reconsider the outcomes of contentious trials and the laws that had contributed to them. Overall, the public engaged increasingly with toxicology through the judicial system, agitating for and successfully creating change, in the interests of ensuring justice was done in individual cases and in the future.

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## Introduction

Criminal toxicology was a science in its infancy at the beginning of the nineteenth century, and as it developed and grew it became indispensable to the growing number of poisoning cases being brought before the courts in England. Over the course of the century, however, this new forensic science caused much controversy, contributing to at least one major miscarriage of justice and several near misses. This did not go unnoticed by the general public, who encountered toxicology, both its potential and its problems, in the pages of the English press. I argue in this dissertation that the English public in the nineteenth century engaged increasingly with criminal toxicology as it appeared in poisoning trials over the course of the century, and that this engagement had consequences for individual trials, toxicology as a profession, and jurisprudence as a whole. The public became a driving force behind these changes by registering their collective discontent with toxicological evidence through petitions, memorials, and meetings.

When considering the interaction between toxicology and the general public in England, I have utilized Ian Burney's framework for understanding the dialectic nature of the relationship. Burney discusses how the realms of scientific knowledge and public knowledge are often cast as a binary, in which the public models of knowledge are regarded as being outside of science, but, in reality they overlap.<sup>1</sup> He goes on to describe this "tension between scientific and public models of knowledge" and explains how they collide within the realm of science, however in this instance I argue that the collision occurs within the judicial system, more specifically in

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<sup>1</sup> Ian Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926*, (Maryland: John Hopkins University Press, 2000), 12.

poisoning trials.<sup>2</sup> This collision was played out in the newspapers, where reports concerning toxicology showed the differences between the scientific understanding and expectations of toxicology and those of the public. The resulting conflict prompted public action, both on behalf of an accused individual or as an appeal to the judicial system more broadly, with the ultimate goal of ensuring that toxicology in the courtroom was an aid to justice, not a cause of its miscarriage. The English press provides the best source for exploring the dialectic between toxicology and the public, through its singular position as a disseminator of information and receiver of opinions. I have adopted the view of E. S. Dallas, quoted by Aled Jones, to analyse the newspapers. Dallas says “Not only was it “the expression of public opinion and the index of contemporary history” but, in its dialectic with the public, was itself “a great force that reacts on the life which it represents, half creating what it professes only to reflect’.”<sup>3</sup> Using this interpretation of the interaction between the newspapers and the general public, I aim to use the reports of the newspapers to gauge public engagement and the consequences it had, whether through expressions of discontent altering the practices of toxicologists or petitions forcing judicial inquiries.

The historiography of toxicology is not extensive, as interest in it as an historical subject is fairly recent. Ian Burney and Katherine Watson are the most prominent writers on toxicology in the English context, however other historians have written on closely related subjects.<sup>4</sup> José Ramón Bertomeu-Sánchez, John Emsley, Tal Golan, and Robert Goldsmith have written on the development of toxicological

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<sup>2</sup> Ibid, 12

<sup>3</sup> Aled Jones, *Powers of the Press: Newspapers, Power and the Public in Nineteenth-Century England*, (Aldershot: Scolar Press, 1996), 3–4.

<sup>4</sup> Ian Burney, *Poison, Detection, and the Victorian Imagination*, (Manchester: Manchester University Press, 2006); Katherine Watson, *Forensic Medicine in Western Society: A History*, (Oxon: Routledge, 2011); Katherine Watson, ‘Medical and Chemical Expertise in English Trials for Criminal Poisoning, 1750–1914’, *Medical History*, vol. 50, no. 3, (2006), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1483199/>, accessed 2 October 2015.

analysis with a focus on arsenic, which naturally greatly impacted on English toxicology and jurisprudence.<sup>5</sup> Historians including Mary Hartman, V. A. C. Gatrell, Judith Flanders, and others have focussed on a number of poisoning cases as part of a larger study, while the various authors of the Notable Trials series focus on individual cases, generally compiling documents rather than making overt commentary on cases.<sup>6</sup> The historiography of the English press is less significant to this research, however the works of Mark Hampton and Lucy Brown have proven important for background research and clarification of some of the changes that occurred over the century, both material and theoretical.<sup>7</sup>

My research methodology focuses on the digitised holdings of the British Newspaper Archive, and requires both statistical analysis and close reading approaches. It is necessary to consider factors like public literacy, changes in journalistic ideals, and newspaper publication before approaching the toxicological evidence, to ensure accurate readings of the evidence. In addition to this, the individual idiosyncrasies of the newspapers must be considered. The differences between the publishing schedules of newspapers, be they daily, weekly, or

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<sup>5</sup> José Ramón Bertomeu-Sánchez, 'Managing Uncertainty in the Academy and the Courtroom: Normal Arsenic and Nineteenth-Century Toxicology', *Isis* vol. 104, no. 2, (2013), accessed 3 September 2015, doi:10.1086/670945; John Emsley, *Elements of Murder: A History of Poison*, (Oxford: Oxford University Press, 2005); Tal Golan, *Laws of Men and Laws of Nature: The History of Scientific Expert Testimony in England and America*, (Cambridge, Massachusetts: Harvard University Press, 2004); Robert Goldsmith, 'The Search for Arsenic', in *More Chemistry and Crime: From Marsh Arsenic Test to DNA Profile*, (ed.) S. Gerber and R. Saferstein, (Washington: American Chemical Society, 1997), 149–68.

<sup>6</sup> Mary Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes*, (New York: Schocken Books, 1977); V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868*, (New York: Oxford University Press, 1994); Judith Flanders, *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime*, (London: HarperPress, 2011); George H. Knott and Eric R. Watson, eds., *Trial of William Palmer*, 2nd ed., Notable British Trials (Edinburgh: William Hodge and Company, 1923); H. B. Irving, (ed.), *Trial of Mrs. Maybrick*, (Edinburgh: William Hodge and Company, 1912); Leonard A. Parry, ed., *Trial of Dr. Smethurst*, Notable British Trials, (Edinburgh: William Hodge and Company, 1931).

<sup>7</sup> Mark Hampton, *Visions of the Press in Britain, 1850-1950*, (Illinois: University of Illinois, 2004); Lucy Brown, *Victorian News and Newspapers*, (Oxford: Clarendon Press, 1985).

somewhere in between, significantly affected what they published as did the number of pages, advertising content, and inclinations of the editors. Rather than assessing these aspects in depth, for the sake of maintaining a focus on toxicology they will be advanced as possible reasons for deviation from the norm or recurring trends, but not exhaustively analysed. This also goes for information that is difficult to access, such as circulation figures. The optical character recognition based search function of the British Newspaper Archive is not fool proof, and naturally some results will be missed. The use of percentages is designed to mitigate this as a methodological issue. I hope that in using a number of other sources as triangulation I will avoid missing any information of importance.

Out of the many hundreds of poisoning cases throughout the nineteenth century, I have chosen four that were particularly sensational as case studies, with the object of seeing public engagement more clearly and making connections between time periods. There are methodological considerations to make when focussing on controversial trials, for as Watson has noted, the majority of cases did not create significant controversy.<sup>8</sup> However because of the effect the controversies had, there is merit in focussing solely on them, particularly when additionally employing statistical analysis to contextualise them. Chapter One focuses on the 1815 trial of Eliza Fenning for the attempted murder of her employer's family with arsenic. Toxicology played only a minimal part in the trial and in subsequent newspaper coverage; although more sustained attention to the chemical evidence could easily have changed the verdict. This case displays how toxicology was passively accepted as an exact science by almost all parties, with the necessary developments in chemical testing and legislation to allow challenging of the evidence

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<sup>8</sup> Watson, 'Medical and Chemical Expertise', 373.



not occurring until decades later. Chapter Two focuses on the cases of William Palmer and Thomas Smethurst in 1856 and 1859 respectively. Both were medical men accused of murder by poison. Since 1815 new toxicological testing methods had been developed and the newspapers had expanded substantially. Palmer's conviction was contentious, and contributed to the conviction and subsequent acquittal of Smethurst. The reliance of both convictions upon toxicological evidence which had been proven faulty resulted in public uproar, beginning debates about the place of toxicology as evidence, and the merits of the judicial system as it stood. Chapter Three focuses on the case of Florence Maybrick in 1889, who was accused of poisoning her arsenic-eating husband. This case illustrates how the uncertainties that had been raised over the reliability of toxicological evidence in the 1850s came to bear upon later trials. This case also represents the peak of public engagement with toxicology, both on behalf of the individual and the judicial system as a whole.

“Slaughter of the innocent”:<sup>9</sup> The Case of Eliza Fenning

Criminal toxicology in the early 1800s was not yet a discipline in its own right, but instead an uneasy intersection between the fields of chemistry, medicine, and law. Early tests for poison focussed on arsenic, prompted by arsenic poisoning cases like those of Mary Blandy and George Wythe in 1752 and 1806 respectively, which likely contributed to growing fears about criminal poisonings, as both cases involved crude toxicological testing and verdicts counter to expectation.<sup>10</sup> Arsenic was easily available in the form of rat poison, as well as being colourless, odourless, and tasteless.<sup>11</sup> Testing advanced significantly in the first decade of the century, from the evaporation of the arsenic to produce a scent of onions to the three precipitate tests that were all developed before 1810.<sup>12</sup> Goldsmith notes the fallibility of these precipitate tests, which would not be superseded by more sophisticated tests for another twenty-five years.<sup>13</sup> Similarly fallible were the medical men who conducted these tests, as the role of establishing whether poisoning had occurred was generally the responsibility of the victim’s medical man. Watson states that it was not until the 1830s that the expert witness in poisoning trials was truly an expert, as through the early nineteenth century the expert had simply been a medical man who was close at hand, regardless of his experience or lack thereof.<sup>14</sup> Despite these dubious claims to expertise, Watson asserts that if a medical man gave evidence he tended to be believed on principle,<sup>15</sup> and there was seldom a defence counsel or an

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<sup>9</sup> ‘Legal Impunity for Crime’, *Hampshire Telegraph*, 10 April 1847, British Newspaper Archive.

<sup>10</sup> Goldsmith, “Search for Arsenic” 153-4.

<sup>11</sup> Bertomeu-Sánchez, “Managing Uncertainty”, 200.

<sup>12</sup> Goldsmith, “Search for Arsenic”, 155.

<sup>13</sup> *Ibid*, 155-6.

<sup>14</sup> Watson, “Medical and Chemical Expertise”, 382.

<sup>15</sup> *Ibid*, 382.

opposing expert to challenge such evidence.<sup>16</sup> For poisoning trials, this meant that the toxicological evidence given by a medical man was particularly significant in that it could be the only evidence of an otherwise invisible crime, and not necessarily reliable. However, circumstantial evidence was equally important as there was seldom an eyewitness to the act of poisoning and toxicology was designed to find poison, not the poisoner. This did not necessarily mean that the expert was impartial, something that would affect a number of prominent cases throughout the century.

The biggest poisoning cases were tried at the Old Bailey in London, and short of being in attendance or gaining word-of-mouth knowledge, the principal way for information to reach the broader public was through the newspapers. Newspapers often published the proceedings of sensational trials verbatim in addition to articles, opinion pieces, and letters to the editor, effectively acting as a barometer for public opinion across classes. Barry Reay discusses the difficulties in establishing the literacy of the lower class English populace in the nineteenth century, however he notes that for many reading was literacy, not writing.<sup>17</sup> While literacy definitely did increase over the nineteenth century, even at the beginning of the century there was no shortage of people capable of reading the newspapers. In the early nineteenth century there was little information collected about newspaper circulation, but Brown notes that there were several daily papers produced in London, while in provincial areas newspapers tended to be distributed anywhere from once to thrice weekly.<sup>18</sup>

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<sup>16</sup> The availability of counsel for defendants throughout the nineteenth century depended on the ability of a defendant to pay, and as a result they were seldom present at ordinary trials. See: Clive Emsley, Robert Shoemaker, and Tim Hitchcock, 'Crime and Justice- Trial Procedures', version 7.2, *Old Bailey Proceedings Online*, accessed 10 October 2015, <http://www.oldbaileyonline.org/static/Trial-procedures.jsp>

<sup>17</sup> Barry Reay, 'The Context and Meaning of Popular Literacy: Some Evidence from Nineteenth-Century Rural England', *Past & Present*, no. 131, 1 May 1991, 129, accessed 24 June 2015. <http://www.jstor.org/stable/650871>.

<sup>18</sup> Brown, *Victorian News*, 27.

Recirculation was common, with papers frequently being shared around communities, loaned out by the newspaper companies themselves, or read aloud publicly.<sup>19</sup> The political affiliations of the papers shaped their readership and the way they reported stories, which often created antagonism between papers especially over controversial subjects like trials and matters of jurisprudence.

By examining a case that exemplifies how the initial lack of interest in and understanding of toxicology slowly increased over the century, it is possible to see how and why the situation developed from disinterest in 1815 to the determined involvement of the 1850s. The case of poisoning made against Eliza Fenning in 1815 employed toxicological evidence and became widely considered a miscarriage of justice. On the 21<sup>st</sup> of March Fenning served the dumplings she had cooked to the Turner household that employed her. Haldebart, Robert and Charlotte Turner, the apprentice Roger Gadsell and Fenning herself all partook of the dumplings, and all became suddenly and violently ill.<sup>20</sup> All five recovered, but arsenic poisoning was suspected and Fenning was subsequently charged with the crime, and tried on the 5<sup>th</sup> of April.<sup>21</sup> The Recorder who conducted her trial was well known as a “reprobate”, and his clear prejudice against Fenning caused him to lead the jury towards a guilty verdict.<sup>22</sup> Fenning’s barristers were by law not allowed to speak in her defence, and the only witnesses called on her side were character witnesses.<sup>23</sup> After only a few

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<sup>19</sup> Ibid, 49-50.

<sup>20</sup> ELIZA FENNING, Breaking Peace > wounding. Proceedings of the Old Bailey, 5th April 1815, Reference Number: t18150405-18, <http://www.oldbaileyonline.org/browse.jsp?div=t18150405-18> (accessed 2 June 2015).

<sup>21</sup> FENNING, Breaking Peace > wounding.

<sup>22</sup> Gatrell, *The Hanging Tree*, 359. Subsequent legislation would greatly increase the role of the defence lawyer, specifically awarding them the right of reply by 1836.

<sup>23</sup> Ibid, 359.

minutes of consultation the jury convicted Fenning and she was subsequently condemned to death, finally executed almost four months later on the 26<sup>th</sup> of July.

The toxicological evidence presented in her case was scanty at best. John Marshall was the surgeon who attended the family during their illness and subsequently analysed the suspected dumplings. The process by which he found the arsenic, as stated in evidence, showed little scientific method: "I examined the dish; I washed it with a tea-kettle of warm water, I first stand it, and let it subside; I decanted it off, I found half a tea spoon of white powder; I washed it a second time; I decidedly found it to be arsenic."<sup>24</sup> After Fenning's execution Marshall published a pamphlet detailing the chemical tests he employed in the case with particular attention to the secondary testing, using the Hume test for arsenic.<sup>25</sup> Regardless of the accuracy or inaccuracy of the tests, the most important aspect is something Marshall notes in passing when he says "I very much regret the want of an opportunity of proving to the court at the Old Bailey, on the trial of Eliza Fenning, at least two of these experiments... I was fully prepared for this purpose: but, from the great pressure of the business of the court, I was constrained to forego the demonstration".<sup>26</sup> This affirms that the court was never presented with more than Marshall's assertion of the presence of arsenic. He goes on to state that the prosecutor had deemed it unnecessary for the experiments to take place, but that the court was "perfectly convinced and satisfied" by his statements alone.<sup>27</sup> Golan suggests that in the early

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<sup>24</sup> FENNING, Breaking Peace > wounding, 5th April 1815.

<sup>25</sup> John Marshall, *Five Cases of Recovery from the Effects of Arsenic : With the Methods so Successfully Employed for Detecting the White Metallic Oxide in Which the Very Delicate and Satisfactory Tests Peculiar to Mr. Hume Were Principally Adopted, as Well as Some Others of a More Crude Nature, Formerly in Use to Which Are Annexed Many Corroborating Facts, Never before Published, Relative to the Guilt of Eliza Fenning*, accessed 25 June 2015, <https://archive.org/details/b21458078>, 24. Goldsmith notes that the Hume test was later found to be unreliable when vegetable or animal matter was present. See: Goldsmith, "Search for Arsenic", 155.

<sup>26</sup> Marshall, 31.

<sup>27</sup> Marshall, 32.

nineteenth century, the eighteenth-century tradition of expecting a medical man to give unbiased opinions based on his honour still had influence on court process, something that may well have affected the trial despite the clear evidence of Marshall's hostility towards Fenning in his pamphlet.<sup>28</sup> The obvious flaws in the toxicological evidence presented at trial should have provided ammunition for Fenning's supporters, however a closer examination of the trends in the newspapers reveals a different result.

Table One:

Newspaper	Mentions of Fenning 1815	Post-1815; years mentioned
Bury and Norwich Post	2	0
Cheltenham Chronicle	1	2: '57, '57
Derby Mercury	0	2: '34, '59
Exeter Flying Post	0	2: '61, '63
Hampshire Telegraph	0	3: '47, '56, '60
The Ipswich Journal	0	0
Leeds Mercury	0	1: '57
Leicester Chronicle	1	5: '29, '57, '57, '57, '57
Liverpool Mercury	1	1: '65
Morning Post	2	3: '30, '61, '74
Northampton Mercury	1	4: '29, '29, '30, '52
Oxford Journal	0	2: '33, '57
Total	8	25

Fenning's case is frequently mentioned as being a *cause celebre*, and indeed the controversy it provoked was far-reaching and long-lasting. However, the vast majority of references to Eliza Fenning in the newspapers occur months if not years after her execution, particularly in the provincial papers where ongoing trials from London were seldom reported or even mentioned in passing. Of the papers in my sample group, only half published articles on Fenning during 1815 for a total of eight mentions, none of which directly concerned toxicology. Post-1815 Fenning is

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<sup>28</sup> Golan, *Laws of Men*, 50.

mentioned 25 times, and only once in direct relation to toxicology.<sup>29</sup> Public reaction to the execution was reported, but Gatrell notes that the “appeal archive” of Fenning’s case has not survived to the present day, and he states that “If we had access to it, we might have traced a network of interest and comment spreading out in clubs and at dinners and embracing influential people”.<sup>30</sup> If Gatrell’s assumption that there was some form of appeal is correct (and given the crowd’s violent response to Fenning’s execution, it seems a reasonable assumption),<sup>31</sup> then given the lack of toxicological information available to the public, it is also reasonable to assume that any appeals would not have questioned Marshall’s evidence. However while the extent to which this potential network acted is difficult to ascertain, it certainly had no tangible effect on Fenning’s fate. The surge of mentions in 1857 was due to parallels drawn between Fenning and Madeline Smith, who was on trial for the suspected murder by poison of her jilted lover. Going beyond the sample in Table One the pattern is relatively similar, with the exception to the rule being Fenning’s most staunch defender *The Examiner*, which briefly raised questions about Marshall’s testimony in the months after Fenning’s execution.<sup>32</sup> The paper reproduced a portion of one of William Hone’s pamphlets, detailing the efforts of an unnamed “gentleman whose chemical experiments were sent to the Secretary of State” to prove that the evidence Marshall gave was erroneous.<sup>33</sup> This makes it clear that there was recognition of the faulty evidence amongst at least some medical men, but at no other point in the four page article did *The Examiner* make a point of

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<sup>29</sup> Appendix One details the status of the newspapers in the sample group in terms of publishing schedule and number of pages.

<sup>30</sup> Gatrell, *The Hanging Tree*, 362.

<sup>31</sup> *Ibid*, 355–6.

<sup>32</sup> *The Examiner* was a London based newspaper, which got involved after Fenning wrote a letter thanking them for their brief mention about doubts surrounding her conviction. See: ‘Recorder’s Report- Eliza Fenning’, *The Examiner*, 23 July 1815, British Newspaper Archive.

<sup>33</sup> ‘Eliza Fenning’, *The Examiner*, 3 November 1815, British Newspaper Archive.

highlighting the potential consequences of the unnamed man's findings, indeed there was never any contention that the Turner family wasn't poisoned with arsenic.<sup>34</sup> It is possible that simple common sense prevented the papers from using this revelation as a weapon against the verdict, because the presence of poison was inferred from the family's evidence of their illnesses. However, the fact remains that doubt could have been thrown on the evidence that helped convict Fenning and yet wasn't.

Given the lack of toxicological evidence introduced at trial and lack of immediate interest in it after the trial, it would seem that toxicology held little weight in terms of importance in the balance of evidence in the eyes of both the law and the public, beyond a select highly educated few. However, there is more than one way to interpret the public silence on the subject beyond blaming a lack of practical knowledge of chemistry. Returning to Watson's assertion that medical men who gave evidence were generally believed on principle, it is reasonable to suggest that because toxicology initially fell into the realm of medicine, it was given the same authority as other medical sciences. Instead of being treated as a relatively new science with the potential for error even when performed by an expert, toxicology was accepted as just another part of a medical man's work, and thus went unexamined in court and largely unquestioned by the public. Toxicology was assumed to be an absolute science by the lay population, and therefore in the eyes of the public what damned a defendant was not science, but the circumstantial evidence that was highly visible and easily understood.

In the years after 1815 there were several more references to Fenning's case in which the toxicological evidence was critically examined, although these were still

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<sup>34</sup> Ibid.



fewer in number than articles with a focus on capital punishment, miscarriage of justice, or deathbed confessions. In 1829 both the *Northampton Mercury* and the *Western Times* reported on a lecture given by a Doctor John Smith, who in his book and lectures on the examination of expert witnesses, used Fenning's case as a study, demonstrating that at least one of Marshall's assertions regarding arsenic detection was entirely wrong.<sup>35</sup> Although Marshall's pamphlet on the additional tests he performed was released in 1815, it appears that in this case at least, it was either not read or not acknowledged, which gives some indication as to information the public and indeed other professionals had about the toxicological evidence. In 1889 the issue of the toxicological evidence presented in the case was examined by another medical man, who asserted that the failure of Marshall to present proof of his tests for arsenic showed the flaws in the judicial system of the early nineteenth century, stating "Justice failed here for want of counsel to set forth the prisoner's case and to point out the worthlessness of the evidence against her".<sup>36</sup> However, Fenning's case was far more regularly mentioned as an example of miscarriage of justice with no regard for the toxicological issues, for example in Charles Dickens' 1846 letter to the *London Daily News* in which he cited Fenning's case as an argument for the abolition of capital punishment.<sup>37</sup> The arguments for the failures of toxicology can be seen as just a part of a larger argument about the failures of the judicial system, and the consequences of this failure for the innocent.

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<sup>35</sup> 'Interesting Medical Evidence', *Northampton Mercury*, 4 July 1829, British Newspaper Archive; 'Poisons.- Case of Elizabeth Fenning', *Western Times*, 2 August 1828, British Newspaper Archive.

<sup>36</sup> 'The Case of Eliza Fenning, the Poisoner', *Sheffield Daily Telegraph*, 23 August 1889, British Newspaper Archive.

<sup>37</sup> Charles Dickens, 'Letters on Social Questions: Capital Punishment', *London Daily News*, 16 March 1846, British Newspaper Archive.

The increase in interest in the toxicological testimony of Fenning's case can be attributed to a number of factors. The scientific advances in arsenic testing with the Marsh test in 1836, and the Reinsch test in 1842, made toxicological analysis faster and more accurate, and potentially threw doubt on the results of previous tests like Hume's. The Society of Apothecaries began compulsory training in forensic medicine in 1831, heralding the expansion of the pool of qualified chemists and toxicologists.<sup>38</sup> Bertomeu- Sánchez discusses the way in which the growing use of toxicology as testimony in the courtroom demanded scientific advances to combat problems of inaccuracy regarding developments like the discovery of "normal" arsenic.<sup>39</sup>

A number of law changes were enacted after 1815, not necessarily as a result of the Fenning case or toxicology, but which nevertheless contributed to the circumstances of poisoning cases in the 1850s. The Medical Witnesses Act in 1836 ensured medical witnesses were paid for their services, while the Attendance of Witnesses Act in 1854 made it easier for the judicial system to acquire the services of such witnesses.<sup>40</sup> Debates over the Prisoner's Counsel Act cited Fenning's case as an example of why judicial reform was needed, with arguments like "The judicial murder of Eliza Fenning never could have taken place in 1815 had she had counsel" contributing to it being passed in 1836.<sup>41</sup> In 1851 the Act for the Regulation of the Sale of Arsenic made it more difficult to purchase arsenic and ensured that records

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<sup>38</sup> Watson, *Forensic Medicine in Western Society: A History*. 57.

<sup>39</sup> Bertomeu-Sánchez, 'Managing Uncertainty', 204–9. Normal arsenic was the first incarnation of what would later be called trace elements, namely the small amounts of minerals, metals, and chemicals that naturally occur in the body.

<sup>40</sup> Watson, *Forensic Medicine in Western Society: A History*, 57, 65; 'Attendance of Witnesses Act 1854', Text, accessed 30 June 2015, <http://www.legislation.gov.uk/ukpga/Vict/17-18/34/contents>.

<sup>41</sup> 'Prisoner's Counsel Bill', *London Standard*, 5 June 1834, British Newspaper Archive.

of purchasers were kept.<sup>42</sup> With the exception of the Sale of Arsenic example, these acts were primarily aimed at judicial reform, which exemplifies the way in which science and public knowledge combined in the sphere of the judicial system.

Although these law changes were not enacted as a sole result of toxicology, as it is clear that toxicology was not a major influence in the courtroom at this stage in the century, they affected the way toxicology was practised in the courtroom, placing new demands on expert witnesses to both be present in the courtroom and have the level of competence the courtroom demanded. Overall, the development of chemistry, medicine, education, and the justice system all impacted the ability of not only medical men, but also the general public to look critically at past miscarriages of justice. However, despite these developments, problems of accuracy, balance of evidence, and ensuing controversy didn't go away for toxicology, and with the case of Eliza Fenning being repeatedly thrown in accusation against the legal system, the 1850s saw greater turmoil and public interest in toxicology than in the whole first half of the nineteenth century.

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<sup>42</sup> 'Sale of Arsenic Regulation Act 1851', accessed 18 April 2015, <http://www.legislation.gov.uk/ukpga/1851/13/enacted>.

“Diabolical Ignorance”:<sup>43</sup> The Cases of William Palmer and Thomas Smethurst

The second half of the 1850s saw two of the most controversial poisoning cases of the century thus far, and as a result public interest in and engagement with toxicology grew exponentially. Watson states that poisoning had by this time become a more visible crime, with increasing numbers of poisoning cases due to “poverty, publicity and ease of access to cheap poisons, the increasing ability to detect them quantitatively, and rising numbers of academic chemists and toxicologists”.<sup>44</sup> This meant that as toxicological evidence became increasingly contested by experts during trials, the public became more privy to the controversies through the papers, as the *Bury and Norwich Post* stated “Medical objections were to be expected as a matter of course, for never yet was a medical opinion given in Court, without a score of antagonistic ones ready to be used if required”, which was a far cry from the uncontested cases like Fenning’s in the early nineteenth century.<sup>45</sup> Despite the introduction of legislation restricting poison availability and increasing medical witness involvement in court, as well as the toxicological advances that had occurred by the 1850s, getting justice in a case of poisoning was still difficult. At the same time, the middle of the century heralded a series of developments in how the press as a whole conceptualised itself and its role in society. Hampton describes the 1850s as part of the “golden age” of the press, in which a Whiggish viewpoint dominated and newspapers were seen as agents by which the lower classes could be educated and uplifted.<sup>46</sup> The repeal of the “taxes on knowledge” over thirty years, particularly the Stamp Tax in 1855, which lowered the cost of newspapers, brought newspapers

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<sup>43</sup> ‘Palmer in Prison &c.’, *Leeds Mercury*, 5 June 1856, British Newspaper Archive.

<sup>44</sup> Watson, *Forensic Medicine in Western Society: A History*, 55-56.

<sup>45</sup> ‘London Correspondence’, *Bury and Norwich Post*, 30 August 1859, British Newspaper Archive.

<sup>46</sup> Hampton, *Visions of the Press*, 50.

into the purchasing reach of low income households.<sup>47</sup> As a result the readership of newspapers increased substantially and therefore, so too did the dissemination of reports of ongoing extraordinary trials, and the toxicological evidence in them.

The case of William Palmer in 1856 was one of the most sensational poisoning trials of the nineteenth century, and it has since been repeatedly analysed by historians as one of the most, if not the most, important trials for toxicology of the time. Eric Watson stated that “No trial ever created greater public interest”, and the newspapers bear him out.<sup>48</sup> The sudden deaths of Walter Palmer in August 1855 and John Parsons Cook in November of the same year raised alarm bells, and William Palmer was soon taken into custody on suspicion of poisoning both. His presence at Cook’s inquest and attempts to destroy the evidence solidified these suspicions.<sup>49</sup> A registered doctor and a notorious gambler, Palmer was often in debt, but had profited off several life insurance policies. Inquests on the bodies of Walter Palmer, Ann Palmer (William Palmer’s wife), and Cook, the latest of his victims, all returned wilful murder verdicts against him and he was committed for trial on first on the charge of murdering Cook. The trial is regarded by historians of the subject as being a watershed moment, not just for toxicology, but also for expert testimony and law. Interest in the trial was so great and prejudice a real problem in Palmer’s home town in Staffordshire, causing Parliament to rush through legislation that allowed Palmer’s trial to be moved to the Central Criminal Court in the hopes that a jury from further afield would be impartial.<sup>50</sup> Eleven experts for the prosecution faced nine for the defence, with the most prominent and authoritative being Alfred Swaine Taylor

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<sup>47</sup> Hampton, *Visions of the Press*, 48-9.

<sup>48</sup> Knott and Watson, *William Palmer*. Preface, x.

<sup>49</sup> ‘Latest News- Trial of Wm. Palmer- Summing Up by Lord Campbell Yesterday’, *Leeds Mercury*, 27 May 1856, British Newspaper Archive.

<sup>50</sup> Burney, *Victorian Imagination*, 121.

for the prosecution, a renowned toxicologist whose opinion was particularly influential. Taylor's theory that the poison used had been strychnine and that it had been absorbed into the blood after being ingested, thus rendering it undetectable, was to be the greatest source of controversy both during and after the trial.<sup>51</sup> Although the prosecution had no material proof of poisoning, the moral guilt of Palmer was taken for granted and he was convicted, hanging for his crime on the 14<sup>th</sup> of June, 1856.<sup>52</sup> To the last he proclaimed he was "innocent of poisoning Cook by strychnia".<sup>53</sup>

Table Two:

Newspaper	1855-56 total mentions of William Palmer	1855-56 toxicological evidence within mentions	Percentage of toxicological evidence within mentions	Post-1856 total mentions of William Palmer	Post-1856 toxicological evidence within mentions
Bury and Norwich Post	14	10	71.42%	1	0
Cheltenham Chronicle	17	8	47.05%	8	1
Derby Mercury	38	15	39.47%	9	0
Exeter Flying Post	23	9	39.13%	6	0
Hampshire Telegraph	24	8	33.33%	4	0
The Ipswich Journal	11	6	54.54%	2	0
Leeds Mercury	35	18	51.42%	6	1
Leicester Chronicle	31	8	25.80%	8	0
Liverpool Mercury	110	23	20.90%	11	0

<sup>51</sup> Knott and Watson, *William Palmer*, 104.

<sup>52</sup> Knott and Watson, *William Palmer*, 313.

<sup>53</sup> Ibid. This was generally taken to mean that Palmer had poisoned Cook by a different poison that the toxicologists had failed to detect, rather than being an indication of his innocence.

Morning Post	76	19	23%	14	0
Northampton Mercury	23	10	43.47%	6	0
Oxford Journal	15	5	33.33%	2	0

Judith Flanders states that the newspapers went into “overdrive” on Palmer’s case.<sup>54</sup> The statistics in Table Two prove the veracity of this statement, and even when considering that some of the higher numbers of mentions are due to advertisements about books, exhibitions, and even the waxwork figure of Palmer, the proportion of reports concerning toxicology is significant. What is difficult to see without a close reading is the depth into which these reports go, anywhere from simply stating the findings and how they related to the murder, to full verbatim chemical analysis. After 1856 the reports diminished considerably as would be expected, and reports of Palmer tended to be advertisements or passing references to his notoriety. The *Liverpool Mercury* and *Morning Post* naturally had the highest rate of mention as they were the only daily papers in the set, while the *Leeds Mercury* was also significant in being the only thrice-weekly paper.<sup>55</sup> Compared with Fenning’s case, the interest in toxicology had skyrocketed, with no paper neglecting the chemical warfare that characterised the trial. However it is a close reading of individual articles that provides the most significant reading of public opinion, as they reveal not only the relationship between the newspapers and the public, but also other ways the public engaged with the trial and by extension with toxicology.

Palmer quickly became front page news around the country, with his trial taking up successive pages in successive editions of many newspapers. The

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<sup>54</sup> Flanders, *Invention of Murder*, 262-3.

<sup>55</sup> Refer to Appendix One for an overview of the status of the sample group papers in 1856.

newspapers sought to provide as much information on the case and its asides as possible, the *Leeds Mercury* even furnishing its readers with a brief history and description of strychnine.<sup>56</sup> The newspapers acted as the battleground of public opinion, publishing numerous letters from members of the public and professionals alike, and frequently taking sides themselves. The hundreds of letters sent to Palmer and his associates are likewise mentioned and occasionally those of “extraordinary character” were published. Feeling was clearly strong in many correspondents, with one man offering to act as Palmer’s executioner in the absence of the usual man.<sup>57</sup> However, the reason why public interest in this case related strongly to toxicology and yet translated so little into action was because Palmer’s moral guilt was generally conceded as “being as clear as the sun at noon-day and universally acknowledged to be so”.<sup>58</sup> What appears to be the only example of a petition in Palmer’s favour the newspapers found worth noting, was one drawn up by his friends and family, on the ground that “further investigation is requisite for the purpose of proving whether strychnia is or not traceable under all circumstances where death has been occasioned by it”.<sup>59</sup> Perhaps one of the more important instances of public involvement is mentioned in the *Liverpool Mercury*, concerning a public meeting held in London to consider whether support should be lent to efforts for Palmer’s respite. The first resolution which was eventually passed stated:

That there being grave doubts as to whether or not the late John Parsons Cook died from strychnine, and it being essential to the interests of society,

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<sup>56</sup> ‘Strychnine’, *Leeds Mercury*, 12 June 1856, British Newspaper Archive. Other matters of interest included the sale of Palmer’s racehorse, the prosecution of the Rugeley postmaster for allowing Palmer to tamper with a letter regarding his case, and assorted stories of more suspected victims or so-called “near misses” from people in his acquaintance.

<sup>57</sup> ‘The Convict Palmer’, *Cheltenham Chronicle*, 10 June 1856, British Newspaper Archive.

<sup>58</sup> ‘The Trial of William Palmer’, *Derby Mercury*, 4 June 1856, British Newspaper Archive.

<sup>59</sup> ‘The Convict William Palmer’, *Sheffield Daily Telegraph*, 6 June 1856, British Newspaper Archive.



the progress of science, and the safety of individual life, that those doubts should be removed, this meeting is of the opinion that the execution of William Palmer should be delayed till(sic) an opportunity has been afforded of discovering whether or not strychnine can be found in all cases where death has resulted from that poison.<sup>60</sup>

This shows most clearly that the public were informed about the toxicological aspect of the case and were prepared to act on it, and importantly the *Mercury* indicates that this was not the only meeting of its kind, with another held the following night in a different part of London.<sup>61</sup> However, it wasn't just the general public who acted upon their new toxicological knowledge. Before Palmer's trial had concluded the case of William Dove came to court, in which he was convicted of murdering his wife with strychnine. Upon reading the reproduction of Taylor's letter detailing his inability to find strychnine in Cook's body in the newspapers, Dove approached several people in an attempt to obtain the "untraceable" poison, eventually killing his wife with it.<sup>62</sup> The fact that Dove's crime was directly connected to the newspapers' reporting of the Palmer case doesn't appear to have been a point of public interest. This indicates that poisoning trials demanded public involvement only when there was the potential for a miscarriage of justice, whereas Dove's moral and legal guilt was undisputable. Palmer's case exemplifies how public engagement didn't necessarily result in positive action, although it did spark debates which would have impact later in the century, such as those around capital punishment, which would

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<sup>60</sup> 'Efforts for a Respite', *Liverpool Mercury*, 13 July 1856, British Newspaper Archive.

<sup>61</sup> Ibid.

<sup>62</sup> 'The Leeds Poisoning Case', *Exeter Flying Post*, 24 July 1856, British Newspaper Archive.

contribute to efforts for a Court of Criminal Appeal.<sup>63</sup> However, while Palmer's crime might have inspired Dove's, it was his execution and the debates surrounding it that helped save the life of another suspected poisoner just three years later.

The case of Thomas Smethurst came to trial in 1859 when Palmer was still fresh in the public memory, and the parallels were clear. Both men were medical practitioners who undoubtedly understood the toxicological evidence ranged against them, both were calm and cheerful in the face of their respective predicaments, and both poisonings attributed to them divided the medical and toxicological community. Smethurst was accused of the murder by poison of Isabella Bankes, the woman he had bigamously married. The prosecution again featured Alfred Swaine Taylor amongst nine other doctors, and despite Taylor's failure to find poison that wasn't naturally present (not to mention causing a false positive for arsenic with faulty testing materials), the prosecution alleged that the slow administration of an unidentified irritant poison was the cause of Bankes' death. The defence utilized seven doctors, all of whom insisted that Bankes' early stage pregnancy was the defining factor in her death, potentially combined with illness, but that her symptoms were not necessarily ascribable to poison any more than natural causes. Smethurst was convicted of the murder, but the Crown intervened in the form of a respite from the death sentence, followed by royal pardon. Sir G. C. Lewis stated in his official despatch that his decision to acquit Smethurst arose "from the imperfection of medical science, and from the fallibility of judgement, in an obscure malady, even of

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<sup>63</sup> 'Does the Gallows Frighten the Murderer?', *Exeter Flying Post*, 26 June 1856, British Newspaper Archive; 'A Lecture on the Punishment of Death', *Leicester Chronicle*, 10 May 1856, British Newspaper Archive.

skilful and experienced medical practitioners”.<sup>64</sup> Subsequently Smethurst was charged and convicted with bigamy.

Table Three:

Newspaper	1859 total mention of Thomas Smethurst	1859 toxicological evidence within mentions	Percentage of toxicological evidence within mentions	Post-1859 mentions of Thomas Smethurst	Post-1859 toxicological evidence within mentions
Bury and Norwich Post	16	7	43.75%	4	0
Cheltenham Chronicle	22	4	18.18%	6	0
Derby Mercury	28	8	28.57%	5	0
Exeter Flying Post	16	5	31.25%	6	1
Hampshire Telegraph	12	2	16.66%	2	0
The Ipswich Journal	12	3	25%	5	0
Leeds Mercury	34	10	29.41%	10	0
Leicester Chronicle	17	6	35.29%	8	0
Liverpool Mercury	66	12	18.18%	15	0
Morning Post	57	14	24.56%	40	2
Northampton Mercury	20	4	20%	5	0
Oxford Journal	13	1	7.69%	7	0

Compared with Palmer there was less interest in Smethurst’s case, which is perhaps natural when considering the uniqueness of the Palmer case. It is important to note that the higher number of references to Smethurst after 1859 reflect his continuing legal entanglements; first on the charge of bigamy, followed by lengthy

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<sup>64</sup> ‘The Case of Smethurst’, *Northampton Mercury*, 19 November 1859, British Newspaper Archive.

proceedings to claim his inheritance under Bankes' will. The pattern regarding the *Leeds Mercury*, *Liverpool Mercury*, and *Morning Post* applies to Smethurst's statistics, albeit more uniformly than in Palmer's case.<sup>65</sup> Despite the lesser interest, Smethurst still has a significant number of mentions as does the toxicological evidence in his case. Again the medical press involved themselves in the controversy, with a writer to the *Lancet* stating that "Every member of the medical profession must feel desirous of raising its character from the state of humiliation into which it has fallen" as a result of the poisoning trials.<sup>66</sup>

Smethurst's final statement at the trial revealed his medical knowledge, as he asserted that the arsenic that Bankes' doctors claimed to have found was in error, as the amount that should proportionally have been ingested would have caused instant death.<sup>67</sup> Smethurst's case was more divisive than Palmer's, not just because Smethurst's moral guilt was so much less clear than Palmer's, but because for the second time in three years a man was convicted on the basis of inconclusive evidence. The *Northampton Mercury* insisted that it felt "bound, on grounds of public interest, to join the common protest raised by the majority of the press" against the Smethurst conviction based "on such evidence".<sup>68</sup> While in reality the newspapers debated amongst themselves the veracity of the verdict, memorials poured into the Home Office, typically documents similar to petitions, signed by individuals with reasons as to why the Crown needed to intervene in a particular case. Some of the more prominent in Smethurst's case included a memorial bearing the signatures of

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<sup>65</sup> Refer to Appendix One for an overview of the status of the sample group papers in 1859.

<sup>66</sup> G. F. Girdwood, 'The Late Trial of Smethurst. On Diarrhoea and Dysentery Coetaneous with Conception.', *The Lancet* 2 (1859): 233–34.  
<http://babel.hathitrust.org/cgi/pt?id=njp.32101074830595;view=1up;seq=241>.

<sup>67</sup> 'Dr Smethurst's Trial, The Extraordinary Statement of the Prisoner', *Liverpool Mercury*, 22 August 1859, British Newspaper Archive.

<sup>68</sup> 'Northampton Mercury', *Northampton Mercury*, 27 August 1859, British Newspaper Archive.

thirty medical practitioners in protest against Smethurst's conviction, and another from twenty-eight barristers.<sup>69</sup> The *Hull Packet* reported a petition of 5000 signatures forwarded to the Home Secretary, with several more to be expected.<sup>70</sup> Another petition, begun by Smethurst's barrister, asserted "That the prisoner has been convicted on a tissue of probabilities... unsubstantiated by that clear and indisputable medical testimony which should alone have warranted a verdict of guilty of murder".<sup>71</sup> The *Bury and Norwich Post* noted how much greater the action in favour of Smethurst's respite was than it had been for Palmer, mainly because Smethurst's moral guilt was far less assured, and thus there was a much greater fear that in Smethurst an innocent man would be hung.<sup>72</sup> The papers were inundated by the outpouring of opinions that this occasioned, as people debated the toxicological evidence through the columns: "But in the present case, day after day the papers have teemed with letters from members of the medical, chemical, and legal professions, disputing the inferences from the symptoms and chemical experiments, and the general sufficiency of the evidence."<sup>73</sup> This reliance of the accused on "the exertions of their friends, and on the expression of public opinion- the press" to avert a miscarriage of justice was noted by many people, which helped the idea of instituting a Court of Criminal Appeal to gain traction.<sup>74</sup> The House of Commons sitting in early 1860 referenced the Smethurst case and the influence of the public in getting the conviction overturned, stating, "After the conviction, however, the attention of the country and of the press was directed to serious doubts that were

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<sup>69</sup> Parry, *Dr. Smethurst*, 172-5.

<sup>70</sup> 'The Smethurst Case', *Hull Packet*, 2 September 1859, British Newspaper Archive.

<sup>71</sup> 'The Convict Smethurst', *Sheffield Daily News, and Morning Advertiser*, 26 August 1859, British Newspaper Archive.

<sup>72</sup> 'Dr. Smethurst's Case', *Bury and Norwich Post*, 30 August 1860, British Newspaper Archive.

<sup>73</sup> *Ibid.*

<sup>74</sup> 'Court of Criminal Appeal', *Exeter Flying Post*, 11 January 1860, British Newspaper Archive.

raised as [to] its propriety".<sup>75</sup> Importantly, Smethurst was raised in conjunction with the Court of Criminal Appeal Bill on more than one occasion.<sup>76</sup>

The 1860 meeting of the Society of Arts produced a discussion on the place of science in the courtroom, and in speaking specifically about the role of the expert witness, Doctor R. Smith said "I should be sorry to see the time when any man, however high in science, carried despotically the opinion of a court, unless he showed in the fullest examination that he could stand his ground against every adversary, to the satisfaction of a sound judge and an enlightened jury."<sup>77</sup> Although he insisted that this was not a product of "recent events", he very well described the hold Taylor had over the court in the Palmer and Smethurst cases, and encompassed the concerns that had been raised over the competence of a jury of laymen or a judge to assess the validity of scientific evidence.<sup>78</sup> Indeed in both cases Taylor's evidence didn't just persuade the jury, but also caused other witnesses to change their own testimony. The *Leeds Mercury* reported the inquest on Ann Palmer in which Knight changed his opinion, and the court was told that "Having heard the evidence of Dr. Taylor, he [Knight] had no doubt that Mrs. Palmer died from the effects of poison administered in the way described".<sup>79</sup> Likewise, the first responding doctor in the Smethurst case had Smethurst arrested "in consequence from what he afterwards heard from Dr Taylor", which turned out to be a false positive for arsenic

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<sup>75</sup> 'Commons Sitting of Friday, January 27, 1860', 27 January 1860, Hansard Parliamentary Papers, accessed 13 October 2015.

<http://parlipapers.chadwyck.co.uk.ezproxy.canterbury.ac.nz/hansard/fullrec.do?source=config5.cfg&area=hcpp&id=CDS3V0156P0-0004>.

<sup>76</sup> 'Commons Sitting of Monday, 2nd April, 1883', 2 April 1883, Hansard Parliamentary Papers, accessed 13 October 2015.

<http://parlipapers.chadwyck.co.uk.ezproxy.canterbury.ac.nz/hansard/fullrec.do?source=config5.cfg&area=hcpp&id=CDS3V0277P0-0011>.

<sup>77</sup> R. Angus Smith et al., 'Journal of the Society of Arts, Vol. 8, No. 374', *The Journal of the Society of Arts* 8, no. 374 (20 January 1860): 135–52. JSTOR, accessed 13 October 2015. 137.

<sup>78</sup> Ibid. For further analysis of this debate, see Golan, *Laws of Men*, 111–18. Ch. 3.

<sup>79</sup> 'The Staffordshire Poisonings: Another Verdict of Murder', *Leeds Mercury*, 15 January 1856, British Newspaper Archive.

that Taylor later had to recant.<sup>80</sup> The later editions of Taylor's jurisprudence manuals began with explanations of what was expected from a medical witness and what a medical witness should expect in the witness box.<sup>81</sup> This was likely in no small part due to the numerous attacks made upon his competence as a toxicologist by other members of the profession throughout both trials, with rivals like William Herapath claiming that if poison had existed in the remains "Taylor had not the talent to find it."<sup>82</sup> However, Smith was neither the only one with this concern nor the first. In 1862, the discussions leading up to the election of a Middlesex coroner revealed for the first time that the judges in the Palmer case privately sought out first-hand knowledge of the effects of strychnine, reportedly observing five hours' worth of experiments regarding the effects of strychnine on animals, providing them with a much "greater facility" for understanding the evidence given in the case.<sup>83</sup> The effect of a judge's final summing up on the jury was often so great that it could sway verdicts, and clearly the three judges in Palmer's case knew this. Their ignorance could have condemned an innocent man or freed a guilty one, forcing them to take steps to remedy it. In a continuation of the chain of events from Palmer to Smethurst, in November of 1859 another suspected poisoner was acquitted despite toxicological evidence in favour of poisoning, the jury "dreading, perhaps, a repetition of the disagreeable circumstances attendant upon Smethurst's conviction".<sup>84</sup>

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<sup>80</sup> 'The Richmond Murder', *The Ipswich Journal*, 20 August 1859, British Newspaper Archive. There are conflicting reports about the doctor in question and his partner similarly recanting their evidence on the basis on Taylor's error.

<sup>81</sup> Alfred Swaine Taylor, *A Manual of Medical Jurisprudence*, 9th ed. (London: J. and A. Churchill, 1874), 1–17, accessed 13 October 2015. <https://archive.org/details/b20420493>. Although Taylor does not explicitly state why he has added these sections, he does refer to unnamed past cases in which medical practitioners have been subjected to "unfortunate exposures", due to a lack of the necessary skillset a medical jurist must have.

<sup>82</sup> 'Palmer in Prison &c.'

<sup>83</sup> 'The Conviction of William Palmer', *Derby Mercury*, 16 July 1862, British Newspaper Archive.

<sup>84</sup> 'The Alleged Murder at Poplar', *Derby Mercury*, 2 November 1859, British Newspaper Archive.

It is in John Scoffern's 1859 letter to the *Morning Post* that the reason for a good deal of the controversy over toxicology is made clear. Scoffern, a retired toxicologist and chemist who held a university post for many years, stated that Palmer's trial represented an "epoch in the annals of toxicological practice, for it was the first time that "symptomology was accepted on an equal rank with the evidence of chemical tests".<sup>85</sup> He states that while ascertaining a poisoning through knowledge of the symptoms can be appropriate in cases of strychnine, all other common poisons produce symptoms that often coincide with those of natural disease or indeed other poisons.<sup>86</sup> Scoffern detailed several of his own experiences, to the end that no diagnoses of poison should be accepted without chemical proof. Although he was reluctantly satisfied with the practice in Palmer's case due to strychnine being the poison, the same doesn't hold true for Smethurst, and it was a result of this entanglement of both the medical and toxicological disciplines, as well as scientific and legal, that caused so many of the problems that the papers and public seized upon. The tendency of toxicologists for the prosecution to take recourse in symptomology in lieu of the required result from chemical analysis meant they left themselves open to attack on grounds of partisanship, by denying the evidence of their own tests to support their opinions. Whether the prosecution or defence were correct in their assessments is not the point, rather, the chemical evidence presented in both cases was not as simple as poison being present or absent, but contested. Although symptomology was important to consider when assessing a potential poisoning, its inconclusive nature meant that toxicologists were overstepping their bounds in using it without corroborating chemical proof, resulting in questionable

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<sup>85</sup> 'The Smethurst Case', *Morning Post*, 1 September 1859, British Newspaper Archive.

<sup>86</sup> Ibid.



convictions and causing the public to engage with the issues at hand. The *Lancet* advanced this argument further, stating that toxicology had led juries to expect more proof of poisoning than they often got, or as Burney puts it “it exposed the gulf between public and scientific notions of proof”.<sup>87</sup> The *Northampton Mercury* summed up the overall gist of the arguments, in saying “There is a doubt, a very grave doubt about the case, and Dr Smethurst is entitled to the benefit of it”.<sup>88</sup>

For toxicology, an examination of its role in the courtroom became required. Although conflict between experts was a given, the challenges of giving testimony in an adversarial legal system now included being exposed to searching questions about the particulars of the scientific process and one’s credentials to be performing it, not only within the court of law, but the court of public opinion. No longer was a gentleman’s word of honour sufficient to send a servant girl or a gambling surgeon to the gallows, nor were pretensions to holding the indisputable scientific proof tolerated.

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<sup>87</sup> Burney, *Victorian Imagination*. 157.

<sup>88</sup> ‘Northampton Mercury.’

“A confirmed arsenic eater”:<sup>89</sup> The Case of Florence Maybrick

The changing ideals of newspaper journalism from the 1880s onwards resulted in tangible changes for the papers, including what kind of articles were published and what was published in them. Hampton argues that while the educational ideal of the mid-nineteenth century was still important, in the “New Journalism” of this period it underwent changes towards becoming more representative of its audience. Instead of guiding the public to their opinions through the opinions of the journalists, facts were given priority over all else.<sup>90</sup> On a practical level, by the 1880s the number of people who read newspapers had grown greatly, and as a result the newspapers began to alter their methods and content, shortening stories and simplifying language to accommodate readers with a more basic level of education.<sup>91</sup> The educational ideal of the press was therefore not entirely abandoned but existed alongside New Journalism, which prioritised representation over education.<sup>92</sup> Hampton’s argument may to some degree account for differences in coverage between cases before and after the 1880s, which could easily have affected the way in which a case was mentioned and the proportion of toxicological evidence reported. In contrast to the changes the press underwent, toxicology had developed at a far slower rate, particularly with regards to arsenic detection. The Marsh and Reinsch tests were still being utilized as the most advanced techniques, although the latter was favoured and appeared more often in high-profile cases.

The 1889 case of Florence Maybrick provides a final case study, and exemplifies some of the most important changes that had occurred within and

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<sup>89</sup> ‘The Maybrick Case’, *Hull Daily Mail*, 22 November 1893, British Newspaper Archive.

<sup>90</sup> Hampton, *Visions of the Press*. 75-8.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*, 76.

because of toxicology. An American socialite, married to a wealthy corn-broker and sister-in-law of a famous tenor, Maybrick was strongly involved in Liverpool social life, which likely contributed to interest in her case. In May of 1889 Florence quarrelled with her husband James over her extra-marital affair, which resulted in a physical altercation. Some days later, James Maybrick became ill and died, upon which his brothers immediately accused his wife of poisoning him. The post mortem revealed arsenic, however the amount was small and its potential to be lethal was debated amongst experts. The situation was complicated further by the revelation that James Maybrick was a hypochondriac who regularly dosed himself with numerous poisonous medicines, including arsenic. His doctor testified that he had ingested at least six different potentially dangerous substances (including nuxvomica and prussic acid) in the week leading up to his death, although the defence contended that it was 21 in total.<sup>93</sup> This supported the use of the Styrian defence, which argued that James Maybrick caused his own death via overdose, or succumbed easily to natural disease due to his body being compromised by his self-medication, both of which were consistent with the defence evidence.<sup>94</sup> Although the toxicological evidence was debated it was arguably Florence's adultery that counted against her the most. She was found guilty and sentenced to death, but was reprieved by the Home Secretary who reasoned that while there was no doubt that Maybrick had administered arsenic to her husband, the evidence did "not wholly exclude a reasonable doubt" as to whether it was her arsenic that killed him.<sup>95</sup> Her

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<sup>93</sup> Irving, *Trial of Mrs. Maybrick*, 109–32.

<sup>94</sup> Ibid, 3–8. The Styrian defence gained its name from the mountain-dwelling peasants of Styria, who regularly ingested arsenic for medicinal purposes and apparently suffered no ill effects. As a defence in court it argued that a potential poison victim had been self-medicating with arsenic which had eventually killed them. It was rarely used and seldom successful. See: Emsley, *Elements of Murder*, 102–4.

<sup>95</sup> 'Mrs. Maybrick Reprieved', *Staffordshire Sentinel*, 23 August 1889, British Newspaper Archive.

sentence was commuted to penal servitude for life, and although there was continued agitation for her acquittal and release, nothing came of it. She was eventually released in 1904 in accordance with penal practice of the time, and died in America in 1941.

Table Four:

Newspaper	Mentions of Maybrick 1889	Toxicological evidence within mentions 1889	Percentage of toxicological evidence within mentions	Mentions of Maybrick post-1889	Toxicological evidence post-1889
Bury and Norwich Post	15	4	26.66%	12	0
Cheltenham Chronicle	26	5	19.23%	30	2
Derby Mercury	30	4	13.33%	27	0
Exeter Flying Post	90	21	23.33%	27	0
Hampshire Telegraph	6	0	0%	27	0
The Ipswich Journal	22	4	18.18%	13	1
Leeds Mercury	57	16	28.07%	72	1
Leicester Chronicle	36	6	16.66%	27	1
Liverpool Mercury	-	-	-	123	5
Morning Post	175	15	8.57%	83	1
Northampton Mercury	35	7	20%	17	0
Oxford Journal	10	4	40%	7	0

These statistics show an increase in interest from all three previous case studies in terms of mentions of Maybrick's case, however the proportional mentioning of toxicology is smaller than in previous cases. The fact that Maybrick

was a woman, and her case entailed issues of infidelity and arsenic eating, were just as important to the sensational nature of the case as the actual evidence. The proportionately large interest of newspapers like the *Morning Post* and *Exeter Flying Post* cannot be ascribed to proximity or connection to those involved, but likely demonstrate the views of their editors and demands of the population that read them, as well as practical factors like space.<sup>96</sup> There is also the continuation of reporting trends from the 1850s, for example, the far fewer mentions in the *Oxford Journal* than in other similar newspapers, while the daily papers like the *Morning Post*'s references to Maybrick are largely due to advertisements of her wax figure in Madame Tussauds. The proportion of toxicological evidence in the mentions generally follows a downward trend from previous cases, however the number of mentions both proportionally and in terms of actual numbers is still significant. This may be in some part proof of Hampton's theory regarding the newspapers adapting for a new audience, however there is always likely to be differences between individual cases as well. For example, during the 1850s cases, the newspapers were essentially treading new ground in educating the public about a science that had for the most part remained unseen for the first half of the century. However, by 1889 the public was clearly well versed in the use of toxicology as evidence, which may account for the slight drop in specifically toxicological coverage or at least for the plateau. The most important evidence of changes is not necessarily in the statistics,

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<sup>96</sup> William Turner Coggeshall, *The Newspaper Record :containing a Complete List of Newspapers and Periodicals in the United States, Canadas, and Great Britain, Together with a Sketch of the Origin and Progress of Printing, with Some Facts about Newspapers in Europe and America* / (Philadelphia: Lay and Brother, 1856), 88, <http://hdl.handle.net/2027/nyp.33433082305255>. Coggeshall notes that several papers including the Liverpool Mercury were considered more "important" than others, which may account for the unexpected levels of coverage, as success could well allow for greater leeway in which stories were published. The figures for the Liverpool Mercury in 1889 are absent due to a gap in the British Newspaper Archive's holdings. Refer to Appendix One for status of sample group newspapers in 1889.

as although they provide context it is in examining the individual mentions that the differences between Maybrick's case and those of previous poisoners become clear.

Within the trial proceedings themselves, the repercussions of the Palmer and Smethurst cases were visible in how the toxicological evidence was presented by practitioners and treated by the court. *The Ipswich Journal* reported the testimony of one veteran toxicological witness, stating "Not only had he tested the suspicious articles, but he had previously tested the very tests themselves" before reporting his findings to the court.<sup>97</sup> After Taylor's botched tests in 1859, this represented necessary practical reform within the profession, albeit a small one, but necessary to defend toxicology against accusations of malpractice. During the summing up the judge recognised that the scientific knowledge of members of the jury was likely, like his own, garnered "by hook or by crook", but they would have to "discount the utterances of the doctors, to check and estimate them by the light of their own common sense".<sup>98</sup> This was in light of fears that scientific witnesses were not necessarily impartial and indeed apt to "merge into advocates", because as had become clear in the Palmer and Smethurst cases, a single stubborn and convincing witness was capable of leading a jury to a verdict.<sup>99</sup> Indeed, one witness changed her testimony on the basis of the analysis, the report stating that "until [the] witness had heard of the result of the analyst's examination she had not regarded the conduct of her mistress as suspicious".<sup>100</sup> The power of the expert witness clearly was not diminished by the debates about their reliability.

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<sup>97</sup> 'The Liverpool Poisoning Case', *The Ipswich Journal*, 9 August 1889, British Newspaper Archive.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

<sup>100</sup> 'The Maybrick Case', *Exeter Flying Post*, 1 August 1889, British Newspaper Archive.

What the newspapers were adamant on was the huge volume of public involvement that the trial sparked, with the number of petitions and memorials to the Queen far exceeding those of cases earlier in the century, and with significant toxicological basis. Interest in the case around the country and within “all classes of society” was reported before and during the trial, but action peaked after Maybrick’s conviction, particularly in the form of petitions.<sup>101</sup> The papers were used to advertise the petitions and campaign for memorials, and by all accounts thousands of people put their names to efforts to gain a reprieve. In several cases the newspapers acted as conduits for reprieve efforts, not just in publishing advertisements but in articles themselves. The *Exeter Flying Post* and other members of the Press Association gave instructions on behalf of Maybrick’s solicitors as to how and where to best submit memorials, and in which form to submit them.<sup>102</sup> Four separate petitions for the general public, medical men, barristers, and stockbrokers and merchants respectively were arranged in the days after the sentencing just within Liverpool, as well as coordinated efforts to “induce” local members of Parliament to place pressure on the government.<sup>103</sup> However efforts were by no means limited to one locality. For example, over two editions the *Nottingham Evening Post* reported 17 separate petitions and assured that there were many more being “readily signed” around the district and country, with the largest being 37 yards long with over 6,000 signatures, as well as two public meetings in London.<sup>104</sup> The bishop at Douglas warned his congregation not to sign a petition for any reason other than if they had doubts about

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<sup>101</sup> ‘The Suspected Murder at Liverpool’, *Exeter Flying Post*, 23 May 1889, British Newspaper Archive.

<sup>102</sup> ‘The Liverpool Poisoning Case’, *Exeter Flying Post*, 12 August 1889, British Newspaper Archive.

<sup>103</sup> ‘The Liverpool Poisoning Case’, *Exeter Flying Post*, 10 August 1889, British Newspaper Archive.

<sup>104</sup> ‘The Maybrick Case’, *Nottingham Evening Post*, 15 August 1889, British Newspaper Archive; ‘The Maybrick Agitation’, *Nottingham Evening Post*, 19 August 1889, British Newspaper Archive. The *Post* also estimated that the signatures from Liverpool alone totalled as much as 17,000.

the medical testimony.<sup>105</sup> Despite being in the Isle of Man, rather than England, this example is particularly noteworthy as it shows not only the pervasiveness of the Maybrick agitation efforts, but the bishop's advice clearly shows his expectation that his audience would understand the scientific evidence and be able to form a judgement on it. The wording of many of the aforementioned petitions among others also shows this expectation. For example, the petition from Liverpool medical men naturally concerned the expert evidence, but so did a number of others, including the merchants and stockbrokers petitions, which had as one of its points that "there was no sufficient evidence on the part of the prosecution that [death] was due to arsenical poisoning".<sup>106</sup> Similarly, the Woolwich Working-Men's Committee's petition wanted a reprieve "on the ground that there was insufficient evidence in support of the theory of the deceased dying from arsenical poisoning, and not sufficient evidence of the guilt of the prisoner in face of the alleged habit of the late Mr Maybrick of taking arsenic".<sup>107</sup> Letters containing opinions on the case were frequently published, but it was letters from analysts like G. Comb Stewart in which he insisted arsenic drinking was the cause of death, that continued to fuel the case for Maybrick's release on account of the evidence, in disparaging the results of the prosecution's toxicologists' findings.<sup>108</sup> Reports of politicians being approached in order to convey petitions to the Home Secretary, with several doing so, proves that plans to influence politicians did come to fruition. Similarly, on several occasions questions were asked of the

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<sup>105</sup> 'The Maybrick Case', *Leeds Mercury*, 12 August 1889, British Newspaper Archive.

<sup>106</sup> 'The Maybrick Case', *Leeds Mercury*, 10 August 1889, British Newspaper Archive.

<sup>107</sup> 'The Maybrick Case', *Staffordshire Sentinel*, 13 August 1889, British Newspaper Archive.

<sup>108</sup> 'The Maybrick Case', *Hull Daily Mail*, 15 August 1889, British Newspaper Archive.



Home Secretary in Parliament regarding the decision-making process that eventually led to a commutation of the sentence.<sup>109</sup>

The opposing sides of the debate of Maybrick's fate exemplify how toxicology was an important part of why people were advocating for change in the judicial system. Letters published in the *Morning Post* are an example of this. The letters in favour of Maybrick's acquittal or at least reprieve, argued that the evidence was insufficient or too contradictory to allow for a guilty verdict, or as one correspondent put it "Are we certain that justice has been done? Who shall decide when doctors disagree?"<sup>110</sup> The letters in favour of the guilty verdict and death sentence tend to focus on Maybrick's moral transgressions and condemn her supporters as being biased in favour of a pretty young woman, attacking the justice system or even of being Socialists.<sup>111</sup> Judith Knelman discusses some of the reasons why there were such violently opposing positions taken on the Maybrick case, noting that the image of the murderess was controlled by men, and that fears of the insubordinate housewife turning poisoner could easily have driven the "character assassination" through her infidelity that caused many to believe she was guilty.<sup>112</sup> The difficulty of defining legal proof was not easily solved, but the consequences of a potential miscarriage of justice as a result of the difficulties of deciding what did and did not constitute proof, was enough to add the Maybrick case to the list of reasons why

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<sup>109</sup> 'Imperial Parliament', *Northampton Mercury*, 24 August 1889, British Newspaper Archive; 'Commons Sitting of Thursday, 4th June 1896', 4 June 1896, Hansard Parliamentary Papers, accessed 13 October 2015.  
<http://parlipapers.chadwyck.co.uk.ezproxy.canterbury.ac.nz/hansard/fullrec.do?source=config5.cfg&rea=hcpp&id=CDS4V0041P0-0006#top>; 'Commons Sitting of Tuesday, 12th May 1896', 12 May 1896, Hansard Parliamentary Papers, accessed 13 October 2015.  
<http://parlipapers.chadwyck.co.uk.ezproxy.canterbury.ac.nz/hansard/fullrec.do?source=config5.cfg&rea=hcpp&id=CDS4V0040P0-0011#top>.

<sup>110</sup> 'The Maybrick Case', *Morning Post*, 13 August 1889, British Newspaper Archive.

<sup>111</sup> Ibid.

<sup>112</sup> Judith Knelman, *Twisting in the Wind: The Murderess and the English Press* (Toronto: University of Toronto Press, 1998). 225-6.

England needed a Criminal Court of Appeal. The *Northampton Mercury* remarked that it was “satisfactory to find that the public mind is so alive to its responsibilities in the just administration of the law”, meaning that regardless of whether the public agreed or disagreed with the verdict there was the impetus to make their views heard, not just for the sake of Maybrick, but for jurisprudence.<sup>113</sup> This was something that was repeated many times from many quarters, and echoes the Smethurst case, as while an individual might believe a person guilty of the crime, if it could not be definitively proven, then the prisoner must receive the benefit of the doubt. In this case, the doubt was caused almost entirely by the toxicological evidence.

Practical consequences of the Maybrick trial are less clear than in previous cases. In the short term, a letter writer to the *Leeds Mercury* complained that poison was harder to access after the Maybrick trial, while at the same time sales of the arsenic flypapers that were allegedly the source of the poison Maybrick used were dropping off.<sup>114</sup> The 1897 edition of Taylor’s toxicology handbook contained an entire chapter on toxicological witnesses in the courtroom, as well as references to Maybrick’s case in relation to arsenic.<sup>115</sup> Maybrick herself wrote a book after her release from prison in which the discrepancies in the scientific evidence were noted by her as being insufficient evidence.<sup>116</sup> Mary Hartman argues that her release didn’t occur until 1904 because Queen Victoria was adamant she was guilty, and only once the monarch died could proceedings for Maybrick’s release begin.<sup>117</sup> The most

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<sup>113</sup> ‘The Maybrick Case’, *Northampton Mercury*, 24 August 1889, British Newspaper Archive.

<sup>114</sup> ‘Barking Dogs’, *Liverpool Mercury*, 15 September 1890, British Newspaper Archive.

<sup>115</sup> Alfred Swaine Taylor, *A Manual of Medical Jurisprudence*, ed. Clark Bell and Thomas Stevenson, 12th American, vol. 1 (New York: Lea Brothers and Co., 1897), 17-32. Accessed 13 October 2015. <http://heinonline.org/HOL/Page?handle=hein.beal/medjpr0001&id=1&div=&collection=beal>.

<sup>116</sup> Florence Maybrick, *Mrs. Maybrick’s Own Story; My Fifteen Lost Years* (New York: Funk and Wagnall’s, 1905), Accessed 13 October 2015.

<https://archive.org/details/mrsmaybrickstown02maybgoog>. 44.

<sup>117</sup> Hartman, *Victorian Murderesses*, 253.

significant indicators of the case's impact occurred in the early twentieth century. The long campaigned for Court of Criminal Appeal was established in 1907, and although Maybrick's case likely contributed strongly to the cause, it was just one part of a cumulative effect caused by many cases going as far back as the 1850s, and not just those of poisoning. What is clear is that her case, like previous poisonings, continued to resound with the public. The Maybrick case was not forgotten and was revived in a variety of ways, from its own Notable Trials book to a reference in Agatha Christie's work.<sup>118</sup> This is quite likely in part due to the fact that there is still no consensus on Maybrick's guilt or innocence.

More broadly, her case shows that toxicology had entered the realm of public understanding, and that whatever the outcome for the profession, the public was to some degree invested in it as it was firmly embedded into the judicial system. Critiques of toxicology challenged it in the context of the judicial system, as while it had become clear that toxicology was not an exact science, it was necessary evidence. This combined with an awareness of the power of expert witnesses meant that in cases where a person's life or liberty hung in the balance, it had become essential to ensure that crucial evidence would not go unchallenged, nor the persons presenting it. In short, the public demanded that science and the courtroom adapted to one another in the interest of maintaining balance and fairness within the English judicial system, and to an extent this is what happened.

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<sup>118</sup> Irving, *Trial of Mrs. Maybrick*; Agatha Christie, *They Do It With Mirrors* (London: Harper Collins e-Books, 1952), 159–60. Christie uses a pseudonym for Maybrick, but the reference to the soaking of flypapers and hostile testimony of the maid is unmistakable.

## Conclusion

What becomes clear in the analysis conducted over the three chapters of this dissertation is that not only did public engagement increase as the century progressed, but that it had clear repercussions, not just for individual trials, but also for toxicology and jurisprudence as a whole. Although reporting on toxicology peaked in the 1850s, public action as a result of toxicology increased throughout the century. This indicates that the more the public became aware of toxicology and the consequences it could have in individual trials, the more they agitated for change, both on behalf of individuals accused of poisoning and within the judicial system. Toxicology brought into sharp relief the flaws of the English judicial system in an age of advancing scientific prowess. There was never argument for abolition, in that no one was calling for a repudiation of toxicology as a science or expunging it from the courtroom. This makes it clear that whatever the qualms people had with it as evidence, toxicology was still deemed far too valuable to exclude from the judicial system. The public was perfectly able to appreciate the benefits afforded by scientific progress, but they recognised that in conjunction with this came the responsibility to control and mediate the effect it could have in the courtroom. If, through the medium of poisoning trials, it became clear that members of the scientific and legal profession were not doing this to an acceptable standard, the public was prepared and able to do something about it.

The tendency for toxicological issues to lead to more judicial reform than change within the scientific profession is due to the intersection of public knowledge models and scientific knowledge models, in that the overlap occurs in the judicial sphere. The public could not make demands of the scientific profession of which it knew little, but it could and did make demands of the judicial system where it

encountered toxicology. What reform did occur within toxicology has to be inferred from small instances, like Taylor's amendments to his handbook, proving that some kind of dialogue resulting in toxicologists accepting some things had to change, occurred. Change was gradual within both these professions, and only through tracking them over a number of years is it clear that they are directly related to the rapid and huge outpourings of opinion that occurred during sensational trials. Following the Smethurst reprieve, the *Morning Post* made the statement that "No one, we believe, will deny that publicity is a most valuable and important element of English law," as the "wholesome influence of public opinion is always brought to bear with equal force upon the decisions of judges and the verdicts of juries".<sup>119</sup> Although an optimistic viewpoint, the *Post* was not far from the truth, for when "some portion of the scientific evidence was not considered satisfactory- we will not say by the jury, or by the judge- but by public opinion", the public took action on an increasingly grand scale.<sup>120</sup> Through this the public's engagement with toxicology forced official entities to respond in a variety of ways, which ultimately affected not just the lives of those on trial, but the course of English law and toxicology over the nineteenth century and beyond.

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<sup>119</sup> 'London, Tuesday, Nov. 15, 1859', *Morning Post*, 15 November 1859, British Newspaper Archive.

<sup>120</sup> *Ibid.*

## Appendix One

W= Weekly (one edition per week) D= Daily (six editions per week, excluding Sunday)

Newspaper	1815, publications per week and number of pages	1856, publications per week and number of pages	1859, publications per week and number of pages	1889, publications per week and number of pages
Bury and Norwich Post	W, 4	W, 4	W, 6	W, 8
Cheltenham Chronicle	W, 4	W, 4	W, 8	W, 10
Derby Mercury	W, 4	W, 8	W, 8	W, 8
Exeter Flying Post	W, 4	W, 8	W, 8	W, 8
Hampshire Telegraph	W, 4	W, 8	W, 8	W, 12
The Ipswich Journal	W, 4	W, 4	W, 8	W, 8
Leeds Mercury	W, 4	X3 W, 4-8	X3 W, 4-8	D, 8-12
Leicester Chronicle	W, 4	W, 4	W, 4	W, 12
Liverpool Mercury	W, 8	X4 W, 4-8	D, 4-8	-
Morning Post	D, 4	D, 8	D, 8	D, 8
Northampton Mercury	W, 4	W, 4	W, 4	W, 10-12
Oxford Journal	W, 4	W, 8	W, 8	W, 8

In each case there is some increase in the number of pages the newspapers include in their editions, likely in response to the gradual lifting of stamp and paper taxes.<sup>121</sup>

When two numbers are present to indicate the number of pages the newspaper consisted of is because the number of pages varied between editions depending on the day, for example it was generally Friday and Saturday editions that had a greater number of pages. The *Northampton Mercury* is the exception to this, with 10-12

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<sup>121</sup> Hampton, *Visions of the Press*, 48–9.

pages varying without pattern. The *Leeds Mercury* and the *Liverpool Mercury* are both weeklies that make the change to dailies in the second half of the century, while the *Morning Post* is consistently a daily. It is only the former two papers that at any point publish between one and six editions per week. There is no data for the *Liverpool Mercury* in 1889, but reference to subsequent years indicate that the paper would have been published daily.

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